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FM AMEMBASSY NAIROBI  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0517  
INFO RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 8345  
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 4577  
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 4071  
RUEHKM/AMEMBASSY KAMPALA PRIORITY 1262  
RUEHLO/AMEMBASSY LONDON PRIORITY 1915  
RUEHFR/AMEMBASSY PARIS PRIORITY 1891  
RUEHUNV/USMISSION UNVIE VIENNA PRIORITY  
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY  
RUEHNA/DEA HQS WASHDC PRIORITY  
RHMFISS/CJTF HOA PRIORITY

C O N F I D E N T I A L NAIROBI 001311

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PRETORIA FOR DEA/WAGNER; THE HAGUE FOR DEA; BOGOTA FOR DEA;  
LONDON FOR DEA; JUSTICE FOR OPDAT, JUSTICE FOR ICITAP

E.O. 12958: DECL: 02/08/2026  
TAGS: [SNAR](#) [PREL](#) [PINR](#) [KCRM](#) [PGOV](#) [ASEC](#) [KE](#) [UN](#)  
SUBJECT: KENYAN COURT ORDERS PROMPT DESTRUCTION OF COCAINE

REF: A. NAIROBI 1113  
[1](#)B. NAIROBI 511

Classified By: Political Counselor Michael J. Fitzpatrick for reasons 1  
.4 (b,d)

[1](#)1. (C) Senior Principal Magistrate Aggrey Muchelule March 21 ordered the Kenyan government to begin immediate preparations for the verification, analysis, and destruction of the more than one ton (1141.5 kilos) of cocaine held in police custody since its seizure in December 2004. Following the March 10 agreement among the Attorney General, the U.S. Ambassador and the UK High Commissioner, the Director of Public Prosecutions, Keriako Tobiko, submitted an application to Muchelule March 15 urging the immediate destruction of the drugs. Muchelule's ruling noted that as only samples were ever introduced into the (almost concluded) court case, "it is unfortunate that the request to destroy the drug is coming now. The destruction ought to have happened even before the trial commenced" In rendering his decision, Muchelule went a step further and ordered that the destruction commence at 11:00 a.m. on Friday, March 24. He also ordered that "the destruction shall be preceded by analysis and verification exercise that is internationally acceptable." According to Tobiko, by specifying a particular date and time, Muchelule has ensured that the executive is not able to "pocket" the authority to destroy the drug haul and just "go back to sleep."

[1](#)2. (C) Muchelule's laudable schedule puts the ball firmly in the government's court to effect the immediate destruction of the cocaine. But the logistics required to coordinate the international supervision of the destruction make it impossible to meet this Friday's deadline. All parties involved in the supervision: the DPP, the Government Chemist, United Nations Office for Drugs and Crime, the US and UK missions, and the Kenyan Police met for the second time in as many weeks March 21 to coordinate the import of experts, chemists, and analyst to participate in the verification, analysis, and destruction. Despite efforts by some police representatives to "short-cut" the necessary physical verification, weighing, sampling and testing procedures, DPP (with UNODC, US, and UK support) held firm for following codified UNODC international "best practices." UNODC conducted its first logistics tour of the police facility March 22. DEA/Pretoria field agent and two US-based chemists

are to arrive this weekend, as are two UK team members. Tobiko plans to inform Muchelule during Friday's "mentioning" of the current cocaine case that the government has begun preparations for the exercise but that additional time is required to ensure international monitoring teams are in place and prepared to participate. US and UK Charges d'Affaires both intend to attend the March 24 court mentioning in a visible show of support for the government's efforts to properly inspect, verify, weigh, sample, test, and destroy this record cocaine haul ASAP. Post thanks DEA, in advance, for its assistance in ensuring a successful conclusion to this 18-month saga.

BELLAMY